

# **EXHIBIT 4**

**CONFIDENTIAL**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 CASE NO. 1:22-cv-01633 (PKC/SN)

4 - - - - -

4 DEVIN G. NUNES,  
5 Plaintiff,  
6 vs.

**CONFIDENTIAL**

7 NBCUNIVERSAL MEDIA, LLC  
8 Defendant.

9 - - - - -

10 \* \* \* CONFIDENTIAL \* \* \*

11 CONFIDENTIAL TRANSCRIPT of the  
12 stenographic notes of the deposition of RACHEL MADDOW  
13 in the above-entitled matter, as taken by and before  
14 LORRAINE B. ABATE, a Certified Shorthand Reporter and  
15 Notary Public of the State of New York, and  
16 Registered Professional Reporter, held at the offices  
17 of DAVIS WRIGHT TREMAINE, LLP, 1251 Avenue of the  
18 Americas, New York, New York on September 19, 2024,  
19 commencing at 10:14 a.m., pursuant to Notice.

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21  
22  
23  
24  
25

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2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. Okay. On the devices that we just  
9 discussed that were not issued to you by NBC --

10 A. Yes?

11 Q. -- do you ever use those to communicate  
12 with your colleagues at NBC?

13 A. Yes, but in a different way than I would  
14 use my NBC devices.

15 Q. How so?

16 A. Like I, for example, will text with Cory  
17 or with other staffers occasionally using my personal  
18 phone, but not for editorial purposes; for logistics  
19 purposes. So I'm stuck in traffic, I'm going to be  
20 late for the news meeting, do you mind if we start it  
21 on Zoom, and when I get cut off in the elevator,  
22 let's switch over to -- you know. Or let's get  
23 sushi, or -- you know, so personal, logistical  
24 things.

25 But when it comes to editorial, when it

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2 A. Incidental discussion in the personal  
3 context.

4 Q. And do you know if anybody has looked at  
5 any of your personal devices about this litigation?

6 A. No.

7 Q. Okay. We know you -- you communicate by  
8 e-mail; is that right?

9 A. Yes.

10 Q. Do you communicate by text message?

11 A. In general in my life?

12 Q. Yeah.

13 A. Yes.

14 Q. Okay. And I take it that's probably  
15 both professionally and personally?

16 A. Yes, although less texting for  
17 professional purposes.

18 Q. Yeah. Same.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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2 recollection as to if you were aware if anyone fact  
3 checked the statement he has refused to hand it over  
4 to the FBI?

5 MS. McNAMARA: Objection. This is a  
6 mischaracterization. She has now twice --

7 MR. BINNALL: I'm not -- I'm not looking  
8 for speaking objections or -- I'm -- I just need  
9 a legal basis for the objection so it doesn't  
10 impact the testimony of the witness.

11 A. Can you repeat the question.

12 MR. BINNALL: Can you read it back,  
13 please.

14 (The record was read.)

15 MS. McNAMARA: Same objection. It's a  
16 mischaracterization of the testimony she's given  
17 multiple times.

18 MR. BINNALL: And again, I'm not looking  
19 for any speaking objections.

20 A. What you are asking me for does not  
21 reflect the reality of how the news process -- the  
22 news production process works. So the -- you keep  
23 asking about an individual assignment of a specific  
24 fact to a specific entity for a fact-checking  
25 process. That's not the way the fact-checking

1 sent these packages as a sanctioned Russian agent

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3 effectively; whereupon, the -- Congressman Nunes --

4 Nunes' refusal to comment on whether -- on the

5 reporting that he had not handed it over to the FBI

6 took on sort of new urgency and new weight, because

7 at that point, everybody knew the import of his

8 receiving this package, which he did not deny.

9 Democrats on the committee had produced a shipping

10 receipt that seemed to prove that he had received it.

11 All of this reporting was undisputed. He had been

12 asked for comment and had not commented on this

13 matter.

14 And so at that point, the

15 longstanding -- remember, the -- the Politico piece

16 was from July of 2020. I did not do my piece until

17 March of 2021, and at that point, the -- the age of

18 his refusal to comment on this was itself an

19 important data point, given everything else that had

20 happened since then. I mean, I -- I wrote this

21 script in March of 2021 with no doubts as to the

22 accuracy of this information, and I still have no

23 doubts about it.

24 Q. So you would say the same thing on the

25 air today?

1           A.       I mean, in the grand -- in the grand  
2           CONFIDENTIAL - Maddow - September 19, 2024  
3       totality of the matter, I don't know that the facts  
4       are any different than what I understood them to be,  
5       and I didn't have any doubts about the accuracy of  
6       the statement.

7           Q.       And you still don't?

8           A.       No. And in fact, the information that  
9       has developed since has only bolstered this, my  
10      understanding of the accuracy of that reporting. I  
11      mean, I don't know if it's okay for me to talk about  
12      this, so I can't ask you to stop me if it's not.

13                   But once -- once we did this report in  
14      March of 2021, we got a letter from a lawyer  
15      representing Mr. Nunes contesting elements of the  
16      report. I don't remember exactly what it was, but I  
17      do remember that at that point, we said, oh, does  
18      this mean that you would now like to comment on  
19      whether or not you gave this item to the FBI? If you  
20      do -- if I said something about that that is wrong, I  
21      would very much like to know what's right. If you --  
22      since we're in communication about this now, can you  
23      tell me, did you hand it over to the FBI? And we got  
24      no response to that.

25                   And so I feel like if Mr. Nunes had an

1 issue with the accuracy of that claim specifically,  
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3 once we were talking offline about it and he was  
4 raising that issue and wanted to contest it, that was  
5 a -- yet another great opportunity for him to tell me  
6 whether or not he handed this to the FBI, and he  
7 didn't. And so Politico's reporting seemed to me to  
8 be accurate at the time. I had no doubts about it,  
9 and I don't have any doubts about it since. In fact,  
10 Mr. Nunes' behavior since then, specifically toward  
11 NBC on this matter, would seem to bolster it.

12 Q. But you didn't ask him for comment  
13 before the show in April (sic) of 2021, correct?

14 A. Not on this matter, no. We had asked  
15 Mr. Nunes for comment on other occasions, I believe,  
16 but not on this.

17 Q. And you didn't -- and you didn't ask the  
18 FBI for comment before your show in April (sic) 2021  
19 either, correct?

20 A. No. The -- the show in -- in March of  
21 2021. That's what you're talking about?

22 Q. Yes.

23 A. In March of 2021, was not us developing  
24 and presenting newly-reported information. We were  
25 taking a number of data points that were in the



1 public record and lining them up and presenting them.

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3 And so at that point, the request to comment to the  
4 FBI and the request to comment to Congressman Nunes  
5 from Politico was relevant to the Politico reporting,  
6 and we presented it as such.

7 And the other data points, including the  
8 ODNI report and the letter to the FBI and the  
9 transcript with Congressman Maloney and Congressman  
10 Maloney's characterization of what had happened  
11 inside the Intelligence Committee, it was all in the  
12 public record, and we were not advancing any of those  
13 stories at all, but rather, combining them into an  
14 explanatory narrative that hopefully made sense of  
15 this issue for our audience.

16 Q. Are you aware of any other information  
17 other than what we've already discussed that supports  
18 the statement he has refused to hand it over to the  
19 FBI?

20 MS. McNAMARA: You're asking at the time  
21 this was published?

22 Q. At any time, are you aware?

23 MS. McNAMARA: Well, I think the  
24 relevant inquiry here is the time it was  
25 published. If you're asking --

1 MR. BINNALL: We can -- we can talk  
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3 about relevance. We can talk about relevance  
4 later. My --

5 MS. McNAMARA: No. This isn't a  
6 relevance question, because if she knows  
7 information from counsel, it is privileged  
8 information --

9 MR. BINNALL: Okay. Yes.

10 MS. McNAMARA: -- and I instruct her not  
11 to answer. So I'm -- if you want to pose this  
12 question as to information she knew at the time  
13 she published this, that is an appropriate  
14 question.

15 MR. BINNALL: Here is what I'll do.

16 Q. Other than communications you've had  
17 with your lawyers, are you aware of any other  
18 information that bears to the accuracy of the  
19 statement he has refused to hand it over to the FBI?

20 A. Again, I do not want to get in trouble,  
21 and I can't ask you for help in avoiding that.

22 Q. I don't want to know conversations you  
23 had with your lawyers.

24 A. Which is where we're up against  
25 because --

1 Q. Yeah.

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3 A. -- when I did this --

4 MS. McNAMARA: Then -- then if -- do not  
5 answer -- I instruct you not to answer if, to  
6 answer that question, it would call for  
7 information you've learned as part of this  
8 communications with counsel.

9 MR. BINNALL: Hold on. There's --  
10 there's something important here.  
11 Communications are protected. Facts are not  
12 protected.

13 Q. And so are -- and so if she is aware of  
14 facts, and I don't want to know about your  
15 communications with your lawyers, but if you are  
16 aware of facts that bear on the accuracy of the  
17 statement he has refused to hand it over to the FBI,  
18 I want to know what those are.

19 MS. McNAMARA: And I give the same  
20 instruction to the witness. If you learned any  
21 such information from communications from  
22 counsel, including facts that are communicated  
23 to you by or -- you know, or allegations or  
24 anything else communicated by counsel, those are  
25 privileged communications, and I instruct you

1 not to answer them.

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3 A. As a non-lawyer, I'm going to do my best  
4 here, which is when Congressman Nunes, through  
5 counsel, complained after I did this segment, I am  
6 aware that the letter back to him said did you give  
7 it to the FBI, then? Is that what you're telling me?  
8 Does this mean if -- in essence, does this mean that  
9 you gave it to the FBI? And there was no response.  
10 To me, that further bolstered my sense of the  
11 accuracy of that reporting.

12 And so that's -- is that a fact or is  
13 that a communication with counsel? I don't know.  
14 But that's the thing.

15 Q. So is there any other facts that you're  
16 aware of that would bolster the -- that would go to  
17 the accuracy of the statement he has refused to hand  
18 it over to the FBI?

19 MS. McNAMARA: Other than what she's  
20 testified?

21 Q. Other than what you already testified  
22 to.

23 A. I -- no, I don't have any -- I don't  
24 know if -- if you're just asking the same question  
25 again, I don't have an additional thing.

1 Q. Okay. We've exhausted the universe of  
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3 what you based that statement on now; is that right?

4 MS. McNAMARA: Objection. I mean, as  
5 she's sitting here today, what she can remember?

6 MR. BINNALL: I want to --

7 A. Can we just -- okay.

8 One last thing. Sorry. I'm not just  
9 flipping pages to do a mime act here. I'm actually  
10 looking for -- if you are literally asking me about  
11 the whole universe of things in the world, there's  
12 only one other thing that I would add. I was just  
13 seeing -- just looking to see if we had reference to  
14 it in any of these exhibits, and I don't think we do.  
15 And that is that in 2020, I did an interview with  
16 somebody who was involved in this foreign influence  
17 operation, and one of the subjects that I raised in  
18 that interview was whether or not this guy, who was  
19 involved in this foreign influence operation and in  
20 contact with Russian agents, whether he had had any  
21 interactions with Congressman Nunes. And the  
22 interview subject told me that yes, he had. And at  
23 the time, Congressman Nunes was denying that he had  
24 ever had any contact with this guy, and that he knew  
25 anything about him and that he never had any

1 interactions with him.

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3 That was not on the direct matter of  
4 whether or not Congressman Nunes had handed matters  
5 to the FBI, but it did inform my thinking about how  
6 forthright, or rather, how disingenuous he seemed to  
7 be in his public remarks about this particular  
8 scandal. And it made me sort of put up my antenna  
9 around his furtive and secretive and evasive  
10 responses when it came to explaining his own role,  
11 his own responsibility, and his own sort of  
12 patriotism or lack thereof when it came to  
13 involvement in this operation that was targeting our  
14 country.

15 And so I say that not because it was  
16 about specifically him handing that document to the  
17 FBI, but it put me on alert to the nuances of what he  
18 was willing to talk about and what he was not. And  
19 his refusal to comment when confronted directly with  
20 the reporting in Politico about -- in which they had  
21 a source that said he didn't hand it to the FBI, to  
22 me, that seemed like relevant and textual  
23 information.

24 So I'm sorry that that's a little far  
25 afield, but if you want my total honest answer about

1 people, and that's why they're in politics. And I  
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3 think that Congressman Nunes is awkward and not great  
4 with people, and I sort of empathize with that, and  
5 kind of like -- like I sort of -- I see myself as --  
6 I think he and I are probably, in terms of the way  
7 our brains are wired, a little bit of the same kind  
8 of person, and so I imagine that politics isn't easy  
9 for him. So I have a little bit of like personal  
10 empathy with him.

11 Like I -- there are -- yeah. Like in  
12 high school, it was like jocks and nerds, and most  
13 politicians are jocks, and I was a nerd, and I think  
14 of him as kind of being kind of a nerd, so there's  
15 that. That's my sense of his personality.

16 And then honestly, in a less flattering  
17 way, I did think that his -- the reason that he said  
18 why he left Congress, which was to go work for this  
19 media company, and he made sort of a big splash out  
20 of it being a -- a free speech thing that he was  
21 doing because he was such a free speech guy, I found  
22 to be ironic and hypocritical given his -- I mean,  
23 the thing that he's most famous for, which is suing  
24 people who say things that annoy him. If he's a free  
25 speech absolutist, then that's worse than giving up

1 an incredibly powerful and important career in  
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3 Congress because you're so invested in free speech,  
4 but all you've done in public life other than sort of  
5 in Congress is sue people who say things you disagree  
6 with. It's just -- it's hard for me to square, and  
7 it makes me feel like there's something about him I  
8 don't understand.

9 Q. It's fair to -- it's accurate to say  
10 that your political opinions and his political  
11 opinions are probably divergent?

12 A. I would guess. I mean, I don't know  
13 that much about his personal opinions. I know about  
14 his political actions. So I would guess that, you  
15 know, I -- I think that I'm a liberal and he's a  
16 conservative, so we probably disagree on most things,  
17 but you never know. I don't -- I mean, I also fish  
18 and drive a pickup truck. Maybe we have a lot more  
19 in common than I think.

20 (DIR)

21 Q. But your political opinions are in line  
22 with what you say in your show, right?

23 MS. McNAMARA: Objection, and I think  
24 that her personal politics are not at issue  
25 here. What is -- she publishes on the show is



1 at issue.

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3 So I really -- I've allowed this  
4 testimony. I'm not going to allow further  
5 testimony on her personal opinions distinct from  
6 what's published.

7 MR. BINNALL: Are you instructing her  
8 not to answer the question?

9 MS. McNAMARA: I am instructing her not  
10 to answer.

11 MR. BINNALL: Let's go ahead and mark  
12 this, and we can come back to it if we need to.

13 Q. Are -- to your knowledge, are ratings  
14 important in your profession?

15 A. In a -- in a general sense, yes.

16 Q. Why?

17 A. Ratings are related to ad rates, as far  
18 as I know. Although, the business is changing so  
19 much now, I don't even technically know that that's  
20 true any more. But I -- and anybody who's involved  
21 in broadcasting I think has a general sense that more  
22 people watching is better than fewer people watching.

23 Q. And do you have a sense of what the  
24 demographic is that watches your show?

25 A. Not really. No, I don't.

1 C E R T I F I C A T I O N

2

3 STATE OF NEW YORK )

4 ) ss:

5 COUNTY OF WESTCHESTER )

6

7

8 I, LORRAINE B. ABATE, a Certified Shorthand  
9 Reporter and Notary Public of the State of New York  
10 and Registered Professional Reporter, do hereby  
11 certify the foregoing to be a true and accurate  
12 transcript of my original stenographic notes taken of  
13 RACHEL MADDOW at the time and place hereinbefore set  
14 forth.

15 I further certify that I am not related, by  
16 blood or marriage, to any of the parties in this  
17 matter and that I am in no way interested in the  
18 outcome of this matter.

19

20

/s/ Lorraine B. Abate

21

22

\_\_\_\_\_  
LORRAINE B. ABATE, CSR, RPR  
License No. 000965

23 Dated: September 27, 2024

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25